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IN THE SUPREME COURT OF ARIZONA

In the Matter of)	
)	Arizona Supreme Court No. _____
)	
THE ARIZONA)	
RULES OF CIVIL)	PETITION TO AMEND RULES 4(d) and 4(e),
PROCEDURE)	ARIZ.R.CIV.P.
)	
)	
_____)	

Pursuant to Rule 28, Rules of the Supreme Court, the Administrative Director of the Courts petitions the Court to amend the Arizona Rules of Civil Procedure, as reflected in attached Appendix “A”.

The Arizona Code of Judicial Administration § 7-204: Private Process Server, (“ACJA § 7-204”), as adopted by the Arizona Supreme Court, provides that individuals who meet the requirements of ACJA § 7-204 are certified as a private process server and, once certified, may serve process anywhere within the state. The Arizona Code of Judicial Administration § 7-204 specifies the criteria and process for certification, the role and responsibilities of, and the limitations on a certified private process server, and the disciplinary process for violations by a certified private process server.

The proposed amendments to Rules 4(d) and (e), Ariz.R.Civ.P., reference ACJA § 7-204 and change any references to “registered” private process server to “certified” private process

server, in conformity with ACJA § 7-204. Further, the proposed amendments strike language in the Rules of Civil Procedure regarding the required qualifications for certification, and limitations on certified private process servers as these provisions are appropriately specified in ACJA § 7-204.

Submitted this 10th day of January 2012.

David K. Byers
Administrative Director of the Courts

APPENDIX “A”

Proposed Amendments to Rule 4, Arizona Rules of Civil Procedure¹

Rule 4(d). Process; By Whom Served

Service of process shall be by a sheriff, a sheriff's deputy, a private process server certified ~~registered with the clerk of the court~~ pursuant to the Arizona Code of Judicial Administration § 7-204: Private Process Server and subpart (e) of this Rule, or any other person specially appointed by the court, except that a subpoena may be served as provided in Rule 45. Service of process may also be made by a party or that party's attorney where expressly authorized by these Rules. A ~~private process server or~~ specially appointed person shall be not less than twenty-one (21) years of age and shall not be a party, an attorney, or the employee of an attorney in the action whose process is being served. Special appointments to serve process shall be requested by motion to the presiding Superior Court judge and the motion shall be accompanied by a proposed form of order. The party submitting the proposed form of order shall comply with Rule 5(j)(2) under which the filing party includes the appropriate number of copies to be addressed to each party who has entered an appearance in the case and stamped, addressed envelopes for distribution of the resulting order, unless otherwise provided by the Presiding Judge. If the proposed form of order is signed, no minute entry shall issue. Special appointments shall be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a ~~registered~~ certified private process server.

Rule 4(e) State-wide ~~Registration~~ Certification of Private Process Servers

A person who files with the clerk of the court an application for certification as a private process server, pursuant to the Arizona Code of Judicial Administration § 7-204, as adopted ~~approved~~ by the Supreme Court, ~~stating that the applicant has been a bona fide resident of the State of Arizona for at least one year immediately preceding the application and that the applicant will well and faithfully serve process in accordance with the law, and who otherwise complies with the procedures set forth by the Supreme Court in its Administrative Order regarding this subsection,~~ shall, upon approval of the court or presiding judge thereof, in the County where the application is filed, be registered with the clerk as a certified private process server until such ~~approval~~ certification is withdrawn by the court ~~in its discretion~~. The clerk shall maintain a register for this purpose. Such certified private process server shall be entitled to serve in such capacity for any court of the state anywhere within the State.

¹ Proposed additions are noted by underlined font; proposed deletions by strike-through font.